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PATENT APPLICATION

ATTORNEY DOCKET NO. 30003000-02

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): WILCOCK et al.

Confirmation No.: 5849

Application No.: 09/788,422

Examiner: Brian Q. Le

Filing Date: 21 February 2001

Group Art Unit: 2624

Title: AUGMENTATION OF SETS OF IMAGE RECORDINGS

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on 24 April 2007.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

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Respectfully submitted,

WILCOCK et al.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants: Wilcock et al.
Serial No.: 09/788,422
For: Augmentation of Sets of Image Recordings
Filed: 21 FEB 2001
Examiner: Brian Q. Le
Art Unit: 2624
Confirmation No.: 5849
Customer No.: 27,623 Attorney Docket Nos.: 30003000-02US
976.0106USU

REPLY BRIEF (37 C.F.R. 41.41)

Mail Stop Appeal Brief – Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On 20 DEC 2006, Appellants mailed an Appeal Brief (hereinafter “the Appeal Brief”) for the above-noted application. On 24 APR 2007, the Office mailed an Examiner's Answer (hereinafter “the Examiner’s Answer”). Appellants are submitting the present Reply Brief in response to the Examiner’s Answer.

This Reply Brief is being filed in accordance with the provisions of 37 C.F.R. 41.41. The Examiner’s Answer does not raise any new grounds of rejection of the claims, however the Examiner does raise new points of argument. This brief is directed only to the new points of argument.

Page 7 of the Examiner's Answer, section 10(A)(1), notes that in the Appeal Brief, Appellants argue that the Kuo patent does not describe or suggest retrieving an image from the second camera station O_R concerning the space coordinates of the first camera station O_L . The Examiner's Answer then states that the Examiner disagrees, and that the Applicant does not claim this concept in the claims' language and thus no further discussion is need for this limitation. Below, Appellants are clarifying why Appellants mentioned this aspect of the Kuo patent.

Claim 1 provides for, *inter alia*:

- (a) recording, in association with taking a first image recording with a camera, first data indicative of a geographic location of the camera;
- (b) recording second data indicative of a geographic location of the camera; and
- (c) retrieving, a second image recording concerning the geographic location indicated by the second data, wherein the second image recording was taken by a device other than said camera.

Note that in claim 1, there is language regarding a camera, and second data that indicates a geographic location of the camera. The second image concerns the geographic location indicated by the second data, and therefor, the second image concerns the recorded location of the camera.

The Kuo patent is directed toward a technique for extracting digital elevation data from a pair of stereo images with two corresponding sets of airborne control data associated with each image of the stereo image pair (Abstract). The pair of images includes (a) a left image taken from a first camera station O_L , and space coordinates of the first camera station O_L , and (b) a right image taken from a second camera station O_R , and space coordinates of the second camera station O_R (see FIG. 1B, items 22 and 24; FIG. 2, items O_L and O_R , and col. 7, lines 20 – 48).

The Kuo patent expressly states that images taken from the first camera station O_L are associated with space coordinates of the first camera station O_L , and images taken from the

second camera station O_R are associated with space coordinates of the second camera station O_R . The Kuo patent does not describe or suggest retrieving an image from second camera station O_R concerning the space coordinates of first camera station O_L . Therefore, the Kuo patent does not describe or suggest that a second image recording (from the second camera station) concerns the recorded location of the camera (i.e., the coordinates of the first camera station). Consequently, the Kuo patent does not disclose or suggest retrieving, from a resource separate from the camera, a **second image recording concerning the geographic location indicated by the second data** (which indicates a geographic location of the camera), as recited in claim 1.

Thus, Appellants stand by their statement in the Appeal Brief, concerning the Kuo patent.

Page 8 of the Examiner's Answer, section 10(A)(2), notes that in the Appeal Brief, Appellants argue that there is no motivation to combine the Kuo and Stuetzler patents. The Examiner's Answer then indicates that both of the Kuo and Stuetzler patents are in the field of stereo image analysis, and suggests that an apparent motive for combining the two references would be to expand the flexibility in recording images. Below, Appellants are clarifying their rationale as to why there is no motivation to combine the Kuo and Stuetzler patents.

As noted above, the Kuo patent expressly states that images taken from the first camera station O_L are associated with space coordinates of the first camera station O_L , and images taken from the second camera station O_R are associated with space coordinates of the second camera station O_R . Appellants submit that if the system in the Kuo patent were modified to retrieve an image from the second camera station O_R concerning the space coordinates of the first camera station O_L , such a modification would change the principle of operation of the system in the Kuo patent. Thus, the Kuo patent cannot be cited as either disclosing or suggesting retrieving a second image recording (taken by a device other than the camera) concerning the geographic location indicated by the second data (which indicates a geographic location of the camera), as recited in claim 1. Additionally, whereas such a modification would change the principle of operation of the system in the Kuo patent, the

Kuo patent **cannot be asserted**, either alone or in combination with another reference, in a rejection of claim 1.

Nevertheless, with regard to the Examiner's observation that both of the Kuo patent and the Stuetzler patent relate to the field of stereo imaging, and the suggestion that an apparent motive for combining the two references would be to expand the flexibility in recording images, Appellants do not believe that such an observation or suggestion compels one to conclude that the two references lend themselves to be combined with one another. The Stuetzler patent concerns a method and device for displaying images when viewing an object through a video stereomicroscope, whereas the Kuo patent is specifically directed toward a processing of airborne data. The Kuo patent appears to fully provide for the recording of images, and so does not appear to suggest any need to expand the flexibility in recording images. Accordingly, Appellants submit that the Kuo patent does not provide any motivation to be combined with the Stuetzler patent.

In view of the reasons provided above, Appellants stand by their position that that there is no motivation to combine the Kuo and Stuetzler patents.

Page 9 of the Examiner's Answer, section 10(B)(1), notes that in the Appeal Brief, Appellants argue that since the deficiency on the part of the Kuo patent, as the Kuo patent relates to claim 1, cannot be cured by combining the Kuo patent with another reference, claim 1, and claim 6 by virtue of its dependence on claim 1, are both patentable over the cited combination of references. In response the Examiner's Answer refers back to section 10(A), reiterates the validity of the rejection of claim 1, and then reiterates the rejection of claim 6. Below, Appellants are reiterating their rationale as to why the Kuo patent cannot be cited in a section 103(a) rejection of claim 1, or claim 6.

As noted above, the Kuo patent expressly states that images taken from the first camera station O_L are associated with space coordinates of the first camera station O_L , and images taken from the second camera station O_R are associated with space coordinates of the second camera station O_R . Appellants submit that if the system in the Kuo patent were modified to retrieve an image from the second camera station O_R concerning the space coordinates of the

first camera station O_L , such a modification would change the principle of operation of the system in the Kuo patent. Thus, the Kuo patent cannot be cited as either disclosing or suggesting retrieving a second image recording (taken by a device other than the camera) concerning the geographic location indicated by the second data (which indicates a geographic location of the camera), as recited in claim 1. Additionally, whereas such a modification would change the principle of operation of the system in the Kuo patent, the Kuo patent **cannot be asserted**, either alone or in combination with another reference, in a section 103(a) rejection of claim 1.

Claim 6 is rejected based on a combination of references that includes the Kuo patent. Whereas Appellants submit that the Kuo patent cannot be asserted, either alone or in combination with another reference, in a rejection of claim 1, Appellants also submit that claim 1, and claim 6, by virtue of its dependence on claim 1, are both patentable over the cited combination of references.

Appellants stand by their position that that claim 6 is patentable over the cited combination of references.

Page 10 of the Examiner's Answer, section 10(C)(1) notes that in the Appeal Brief, Appellants argue that since the deficiency on the part of the Kuo patent, as the Kuo patent relates to claim 1, cannot be cured by combining the Kuo patent with another reference, claim 1, and claims 9 and 10, by virtue of their dependence on claim 1, are all patentable over the cited combination references. In response the Examiner's Answer refers back to section 10(A), reiterates the validity of the rejection of claim 1, and then reiterates the rejection of claims 9 and 10. Below, Appellants are reiterating their rationale as to why the Kuo patent cannot be cited in a section 103(a) rejection of claim 1, or claims 9 and 10.

As noted above, the Kuo patent expressly states that images taken from the first camera station O_L are associated with space coordinates of the first camera station O_L , and images taken from the second camera station O_R are associated with space coordinates of the second camera station O_R . Appellants submit that if the system in the Kuo patent were modified to retrieve an image from the second camera station O_R concerning the space coordinates of the

first camera station O_L, such a modification would change the principle of operation of the system in the Kuo patent. Thus, the Kuo patent cannot be cited as either disclosing or suggesting retrieving a second image recording (taken by a device other than the camera) concerning the geographic location indicated by the second data (which indicates a geographic location of the camera), as recited in claim 1. Additionally, whereas such a modification would change the principle of operation of the system in the Kuo patent, the Kuo patent **cannot be asserted**, either alone or in combination with another reference, in a section 103(a) rejection of claim 1.

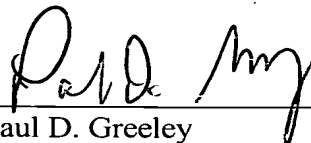
Claims 9 and 10 are rejected based on a combination of references that includes the Kuo patent. Whereas Appellants submit that the Kuo patent cannot be asserted, either alone or in combination with another reference, in a rejection of claim 1, Appellants also submit that claim 1, and claims 9 and 10, by virtue of their dependence on claim 1, are all patentable over the cited combination of references.

Appellants stand by their position that that claims 9 and 10 are patentable over the cited combination of references.

Appellants respectfully request that the Board of Appeals reverse the final rejections of the claims, thereby enabling all of the pending claims to be allowed.

Respectfully submitted,

Date 6/22/07



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